

Message Text

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TO USMISSION BERLIN PRIORITY
INFO AMEMBASSY BONN

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EXDIS

E.O. 11652:GDS
TAGS:PGOV, WB US
SUBJECT:BDC ET AL VS SCHLESINGER ET AL

1. INFORMATION THAT LAWYERS' MILITARY DEFENSE COMMITTEE (LMDC) WAS DESIGNATED AS TARGET FOR MAIL INTERCEPT IN CONJUNCTION WITH RANDOM MAIL INTERCEPT PROGRAM BROUGHT TO DEPARTMENT'S AND US ATTORNEY'S ATTENTION LATE LAST WEEK. US ATTORNEY STATES HE REQUIRED TO DISCLOSE THIS AND OTHER INFORMATION DAMAGING TO ARMY'S CASE TO PRESIDING JUDGE BY END OF WEEK. THIS PRESENTATION MAY VERY WELL OPEN CASE TO DISCOVERY, AND COULD LEAD TO REVELATION IN OPEN COURT OF EXISTENCE OF RANDOM MAIL INTERCEPT AND OTHER INTELLIGENCE GATHERING PROGRAMS INVOLVING SENSITIVE METHODS OF COLLECTION. TO PROPERLY PREPARE HIS PRESENTATION FOR PRESIDING JUDGE US ATTORNEY HAS REQUESTED DEPARTMENT TO PROVIDE HIM BY WEDNESDAY SEPTEMBER 11 AT LATEST, EVALUATION OF IMPACT WHICH PUBLIC DISCLOSURE OF RANDOM MAIL INTERCEPT PROGRAM WOULD HAVE ON US INTERESTS. (EVALUATION OF IMPACT OF REVELATION OF OTHER INTELLIGENCE

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PROGRAMS MAY BE REQUIRED IN NOT TOO DISTANT FUTURE, BUT NOT REQUIRED IMMEDIATELY.)

2. TO ASSIST US ATTORNEY WITH THIS EVALUATION DEPT REQUESTS USBER TO PROVIDE ANSWERS TO AND VIEWS ON FOLLOWING:

(A) IS THE EXISTENCE OF THE RANDOM INTERCEPT PROGRAM A MATTER OF PUBLIC KNOWLEDGE IN BERLIN? IF SO, HOW DID THIS BECOME PUBLIC?

(B) WHAT EFFECT WOULD REVELATION OF RANDOM MAIL INTERCEPT PROGRAM HAVE IN BERLIN WITH RESPECT TO US NATIONAL SECURITY, BERLIN SECURITY, US-SENAT RELATIONS, US PUBLIC IMAGE IN BERLIN, INTERNAL BERLIN (SENAT) AFFAIRS, AND US-ALLIED RELATIONS?

(C) WHAT EFFECT WOULD COMPLETE DISCONTINUATION OF RANDOM MAIL INTERCEPT PROGRAM HAVE ON INTELLIGENCE COLLECTION? COULD DISCLOSURE BE MADE IN THIS CASE IN SUCH A WAY AS TO PERMIT USG TO RETAIN OPTION OF CARRYING OUT SPECIFIC, TARGETED INTERCEPTS EVEN IF BROADER INTERCEPT PROGRAMS WERE DISCONTINUED? KISSINGER

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